

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 21, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

Each of the following:

B164150 Bruns v. Alexander
B164785 Chambliss v. Walker
B169465 Ordlock v. Franchise Tax Board
B170408 Wasson v. Village Green Owners Association, Etc.

Argument waived, cause submitted.

B168703 Ronald S. Cooperman, M.D.
 v.
 Tenet Healthcare Corporation, et al.

Merits:
Argued by Thomas J. Weiss for appellant and Mark Kawa appearing for
respondent waives argument. Cause submitted.

B165884 Ronald Gold
 v.
 Patricia Harker

Merits:
Argued by Neil Gielegem for appellant and by Marc L. Sallus for
respondent. Cause submitted.

July 21, 2004 (Continued)

DIVISION ONE (Continued)

Ortega, J. leaves the bench.

B167492 Rod Van Zandt
 v.
 Robert Pashman

Merits:

Argued by Phillip W. Boesch Jr. for appellant and by Robert H. Wright for respondent. Cause submitted.

Ortega, J. returns to the bench.

B162159 George Moghadam
 v.
 Henry Danpour et al.

Merits:

Argued by Robert E. Canny and Mark Bronson for appellant and by Jeffrey L. Licht for respondents. Cause submitted.

Mallano, J. leaves the bench.

B151259 Surya Gupta
 v.
 R.L. Arcinage et al.

Merits:

Argued by Michelle Mulvey for appellant, by Gregory M. Salvato, for respondent R.L. Arcinage and by Patricia A. Teunisse for respondent Shue. Cause submitted.

Mallano, J. returns to the bench.

Hastings, J, (Assigned) assumes the bench.

DIVISION ONE (Continued)

Vogel, J. leaves the bench.

Ortega, J. leaves the bench.

B159163 Shanel Stasz
 v.
 Charles R. Schwab et al.

Merits:

Argued by Shanel Stasz, appellant in propria persona, by Bernard A. Burk for respondent Schwab, et al., and by C. Phillip Jackson for respondent American Arbitration Association. Cause submitted.

Court recesses until 1:30 p.m.

Court reconvenes at 1:30 p.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and D. Nolan, Deputy Clerk.

B163181 City of El Segundo
 v.
 Stardust West Apartments

Merits:

Argued by Todd M. Sloan for appellant and by Deborah C. Prosser for respondent. Cause submitted.

B174063 State Farm Automobile Insurance Company
 v.
 Superior Court, Los Angeles County
 (Jerry Hill, et al., r.p.i.)

Merits:

Argued by Raoul K. Kennedy for petitioner and by Michael Swartz for real parties in interest. Cause submitted.

July 21, 2004 (Continued)

DIVISION ONE (Continued)

B167686 Nicole Panter
v.
California Institute of the Arts

Merits:
Argued by Carol L. Gillam for appellant, by Kirsten C. Love for respondent CA Institute of the Arts and by Judy M. Iriye for respondent Cohen. Cause submitted.

Court adjourned.

B168089 People (Not for Publication)
v.
Pedraza

The judgment is reversed insofar as it orders Pedraza to pay \$140,000 in restitution to the victim, and that issue is remanded to the trial court with directions to determine whether Pedraza intends to contest the amount and if so, to conduct a hearing on that contest, and to make such other orders as are necessary and appropriate; in all other respects, the judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B170138 People (Not for Publication)
v.
Washington

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

July 21, 2004 (Continued)

DIVISION ONE (Continued)

B169481 People (Not for Publication)
v.
Davis

The judgment is modified by reducing Davis's sentence on count 1 to 4 years, doubled to 8 years and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B172202 Los Angeles County, D.C.S. (Certified for Publication)
v.
Jackson W.

The order terminating Jackson's and Jennifer's parental rights is conditionally reversed, and the cause is remanded to the dependency court with directions to conduct such further proceedings as are necessary to establish full compliance with the notice requirements of the ICWA. If, after receiving notice as required by the ICWA, no response is received from the Blackfeet Tribe indicating Elizabeth is an Indian child, or the responses received indicate Elizabeth is not an Indian child within the meaning of the Act, the order terminating parental rights shall be immediately reinstated and such further proceedings as are appropriate shall be conducted. If the Blackfeet Tribe determines that Elizabeth is an Indian child within the meaning of the Act, the dependency court shall proceed accordingly. In all other respects, the orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

July 21, 2004 (Continued)

DIVISION TWO

B170048 Weiss (Not for Publication)
v.
Weiss

The judgment is affirmed. Respondent to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B171462 Leong (Not for Publication)
v.
Paul Pacific Plumbing Corporation et al.

The judgments are affirmed. Costs on appeal are awarded to Respondents.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B169540 Kramer et al (Not for Publication)
v.
Intuit Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

July 21, 2004 (Continued)

DIVISION TWO (Continued)

[illegible]

The orders of sentencing for the determinate terms are vacated, and the cause is remanded for the trial court to reimpose the terms on counts 2 and 4. During resentencing, the term the trial court imposes for count 6 shall be stayed pursuant to section 654. In all other respects, the judgment is affirmed. The trial court shall also cause its clerk to prepare and send to the California Department of Corrections an amended abstract of judgment deleting any reference to a weapon use enhancement as to count 2, and deleting any reference to the inapplicable enhancements pursuant to former section 1170.1, subdivision (e), as to count 5.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B167956 People (Not for Publication)
v.
Charlvionte S.

The order appealed from is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

July 21, 2004 (Continued)

DIVISION THREE

B164925 People (Not for Publication)
v.
Pritchett

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B169516 Johnson et al. (Certified for Publication)
v.
Capital One Bank

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

July 21, 2004 (Continued)

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B170578 City of Los Angeles et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Newhall County Water District, r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate the order sustaining the demurrer without leave to amend and to enter a new order requiring real party to answer the second cause of action within 30 days. The alternative writ is discharged. Petitioner is to bear its own costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION SIX

B170982 People (Not for Publication)
v.
Williams

The judgment (order of commitment) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

July 21, 2004 (Continued)

DIVISION SIX (Continued)

B168669 People (Not for Publication)
v.
Lee

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting appellant's convictions on counts 4 and 5 of lewd acts with a child by force or fear in violation of section 288, subdivision (b)(1). As so amended, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B168864 People (Not for Publication)
v.
Archuleta

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

B168034 Etchepare (Not for Publication)
v.
Etchepare et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

July 21, 2004 (Continued)

DIVISION SEVEN (Continued)

B166718 People
 v.
 Overby

Filed order granting petition for rehearing.